

AV03002



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10.13.2003

AV03002



ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A 20 FOOT WIDE ALLEY ABUTTING LOTS 3 & 4, BLOCK 1, MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City Plan Commission has recommended vacation of the *portion of a 20 foot wide alley abutting Lots 3 and 4, Block 1, Mills Map in the City of El Paso*, El Paso County, Texas, and the City Council finds that said right-of-way is not needed for public use and should be vacated as recommended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That a determination has been made that it is in the best interest of the public that the *portion of a 20 foot wide alley abutting Lots 3 and 4, Block 1, Mills Map in the City of El Paso*, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" made a part hereof by reference, be and is hereby vacated subject to the following conditions:

1. *That the portion of the Alley to be vacated be designated as a full width Utility Easement, such utility easement to include drainage.*
2. *That no permanent structures or other improvements other than asphaltic paving (HMAC) be permitted over the utility easement to be retained.*

In addition, the mayor is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to **Branca, L.P. a Texas Limited Partnership**.

PASSED AND APPROVED this _____ day of _____, 2004.

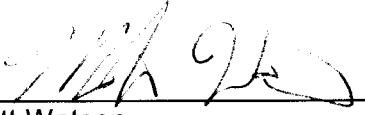
THE CITY OF EL PASO

Joe Wardy
Mayor


ATTEST:

Richarda Momsen,
City Clerk

APPROVED AS TO FORM:


Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:


Rudy Valdez, Chief Urban Planner
Planning, Research and Development
Department

C

PROPERTY DESCRIPTION

1,790 Square Feet

Being a portion of the Alley located in Block 1, Mills Map, City of El Paso, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 5/8 inch rebar at the Northwest corner of Lot 4, said Block 1 at the intersection of the South right-of-way line of Franklin Avenue (70 feet wide) and the East right-of-way line of El Paso Street (70 feet wide);

THENCE, along said South right-of-way line, North $52^{\circ}23'00''$ East, a distance of 120.00 feet to a set "x" in sidewalk at the Northeast corner of said Lot 4 at the Northwest corner of a 20 feet wide Alley and **POINT OF BEGINNING** for the herein described tract;

THENCE, continuing along said South right-of-way line, North $52^{\circ}23'00''$ East, a distance of 20.00 feet to a set "x" in sidewalk at the Northwest corner of Lot 3, said Block 1 and the Northeast corner of said Alley;

THENCE, leaving said South right-of-way line and along the East line of said Alley, South $37^{\circ}37'00''$ East, a distance of 89.51 feet to a point adjacent a concrete wall near the North right-of-way line of the Southern Pacific Railroad;

THENCE, along the North edge of said concrete wall, South $52^{\circ}19'30''$ West, a distance of 20.00 feet to the West line of said Alley;

THENCE, along said West line, North $37^{\circ}37'00''$ West, a distance of 89.53 feet to the **POINT OF BEGINNING** and containing 1,790 square feet of land.

This description was prepared from a survey made on the ground on November 24, 1998.

PREPARED BY:

Cutts Land Surveying, Inc.

El Paso, Texas

January 6, 1999

Job No. 981217

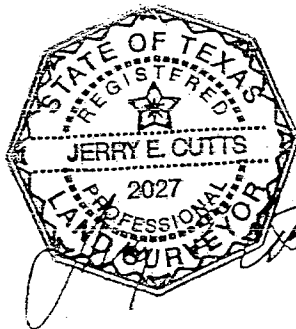
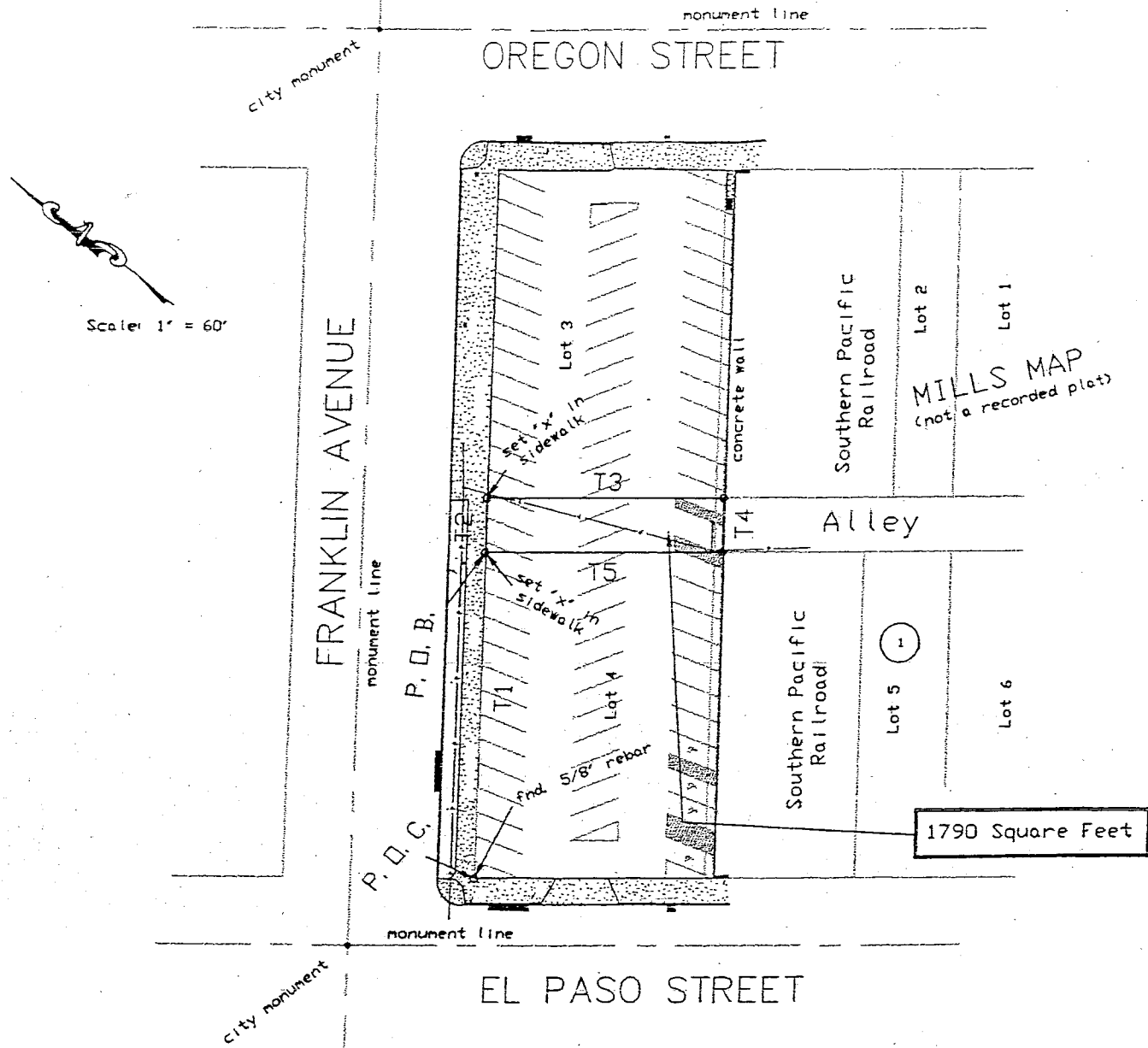


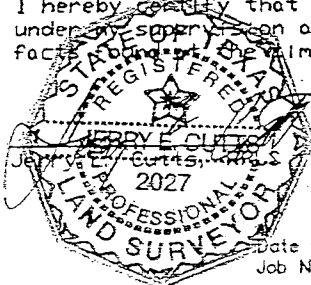
EXHIBIT "A"



NOTE: A metes and bounds description for this parcel was prepared on this date and is a part of this plat.

No.	Bearing	Distance
T1	N52° 23' 00" E	120.00'
T2	N52° 23' 00" E	20.00'
T3	S37° 37' 00" E	89.51'
T4	S52° 19' 30" W	20.00'
T5	N37° 37' 00" W	89.53'

I hereby certify that this survey was made on the ground under my supervision and that this plat represents the facts found at the time of this survey.



Date prepared: 1-06-98
Job No.: 981217

PLAT OF SURVEY
PORTION OF ALLEY,
BLOCK 1, MILLS MAP,

Cutts Land Surveying, Inc.

Professional Land Surveyors

1100 Westwood Avenue, Suite 205 P.O. Box 9151 Dallas, Texas 75208

THE STATE OF TEXAS }
COUNTY OF EL PASO }

QUITCLAIM DEED

That the **CITY OF EL PASO** has released and quitclaimed and by these presents does release and quitclaim unto Branca L.P., all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. _____, passed and approved by the City Council of the City of El Paso and described as **A PORTION OF A 20 FOOT WIDE ALLEY ABUTTING LOTS 3 & 4, BLOCK 1, MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____, 2004.

Joe Wardy
Mayor

ATTEST:

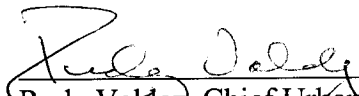
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City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Rudy Valdez, Chief Urban Planner
Planning, Research and Development

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)

COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of
_____, 2004, by Joe Wardy, as Mayor of the CITY OF EL PASO.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

AFTER FILING RETURN TO:

Branca L.P.
Attention: Laura Pople
300 East Main, Ste. 1208
El Paso, Texas 79901

C

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PREPARED BY:

Cutts Land Surveying, Inc.

El Paso, Texas

January 6, 1999

Job No. 981217

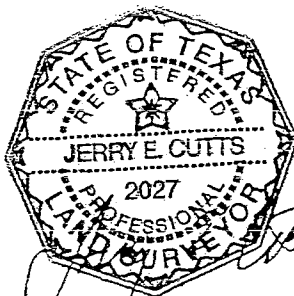
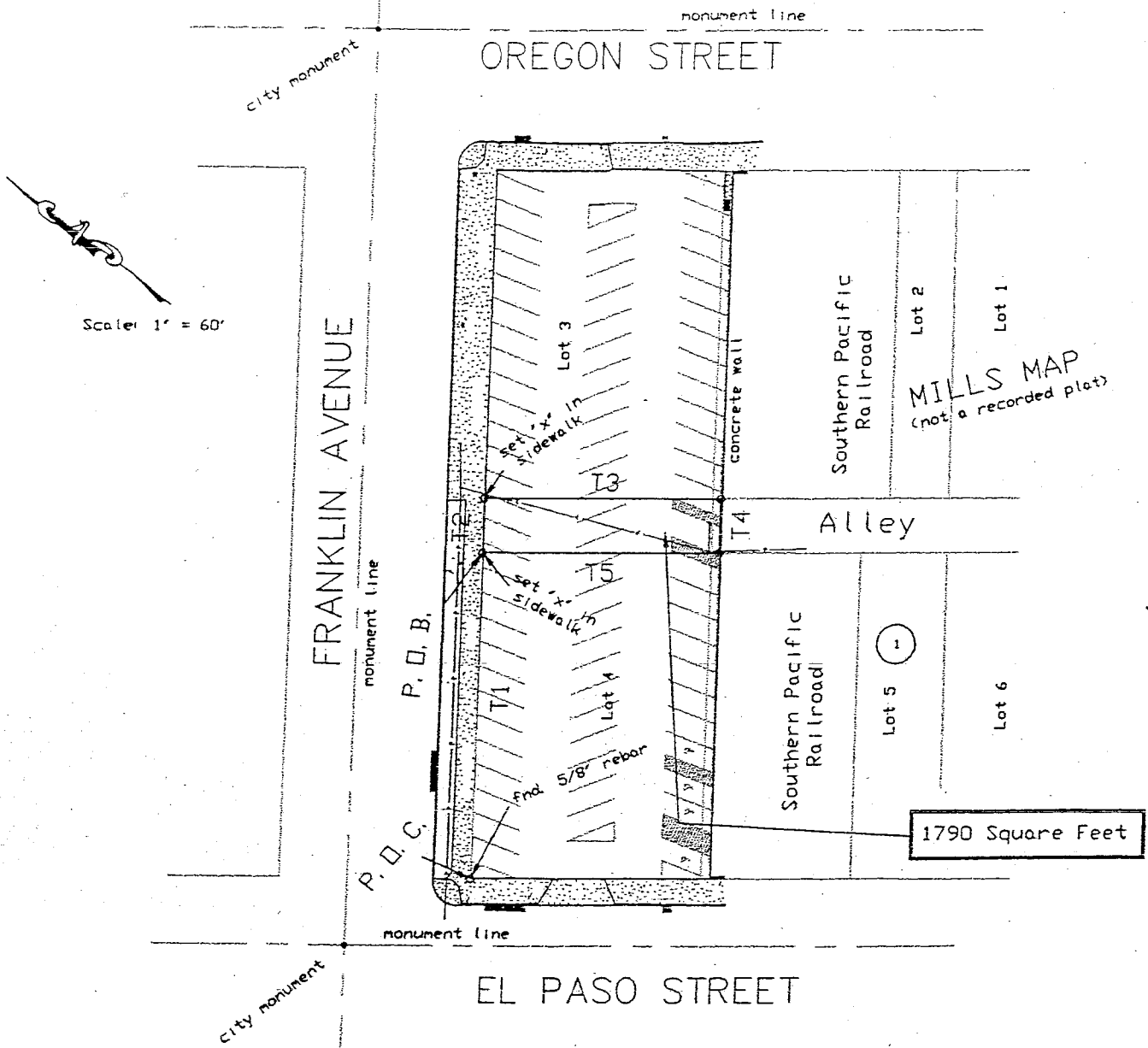


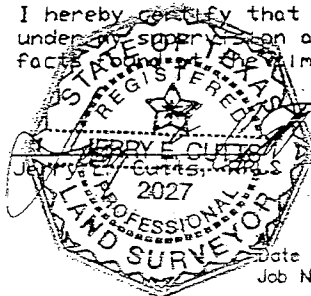
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BLOCK 1, MILLS MAP,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

Cutts Land Surveying, Inc.

Professional Land Surveyors

1100 W. 11th Street, Suite 205 El Paso, TX 79901 (915) 534-6301